

REMARKS

This Amendment is in response to the Office Action mailed September 25, 2006. In the Office Action Summary, claims 1-5, 10-13 are allowed and claims 6-9 and 14-20 are rejected. This appears inconsistent with the body of the Office Action in which claims 1-5 and 10-13 are rejected and claims 6-9 and 14-20 are allowed. Clarification or correction is respectfully requested. Applicants have amended the claims for readability and respond to the rejection of claims 1-5 and 10-13 as follows.

Response to Drawing Objection

FIGS. 3, 3-1 and 3-2 were objected to on the basis that FIGS. 3, 3-1, 3-2 should include a --Prior Art -- legend. Applicants submit Replacement sheets for FIGS. 3, 3-1 and 3-2 including a --Prior Art—legend for each of the FIGS. Withdrawal of the drawing objection is respectfully requested.

Response to Objection to the Specification

The specification was objected to on the basis that on page 5, line 29, “130-2” should be changed to --130-3--. Applicants have amended the specification to make the correction and accordingly withdrawal of the objection is respectfully requested.

Response to Claim Rejections – 35 U.S.C. § 112

Claims 1-20 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, “[i]t is not clear from the claims 1 and 12 where the leading edge cavity step is located because in FIG. 6, leading edge cavity step 164-1 is located between the at least one stepped bearing surface 176 and at least one raised bearing surface 138-3”. The leading edge cavity step 164-1 is shown in FIG. 6 and described in the specification as follows:

FIGS. 5-9 illustrate an embodiment of an air bearing slider 130-3 including a rail 170 having a raised bearing surface 138-3 proximate to the trailing edge of the slider. The rail 170 includes a convergent cavity channel 160-2 . . . The convergent cavity channel 160-2 forms a leading edge cavity step 164-1 as illustrated in FIG. 6 to the raised bearing surface or surfaces 138-3. . . As shown, cavity channel 160-2 includes a first recessed cavity depth portion 176 proximate to the trailing edge and a deep recessed cavity depth portion 178. . .

As shown in FIG. 6, the leading edge cavity step 164-1 is between the first recessed cavity depth portion 176 and the raised bearing surface 138-3. As claimed, the first recessed cavity depth 176 (shown in FIG. 6) is recessed below the stepped bearing surfaces 206 of rails 190, 192 as shown in FIG. 8. Both the stepped bearing surfaces 206 and the leading edge cavity step 164-1 are labeled in the FIGS. Since the claimed subject matter is labeled and described in the specification as discussed above, withdrawal of the rejection of claims 1-20 under 35 U.S.C. § 112 is respectfully requested.

Response to Claim Rejections – 35 U.S.C. § 102

Although, claims 1-20 are rejected in paragraph 7 of the Office Action, claims 6-7, 8-9, 14-20 are indicated to be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, in paragraph 9 of the Office Action. In paragraph 7 of the Office Action, claims 1-4, 10 and 12-13 are discussed and thus, it is assumed that claims 1-4, 10, 12-13 are rejected under Dorius not claims 1-20.

Claims 1-2 recite *inter alia* a first recessed cavity surface recessed below the at least one raised bearing surface and the at least one stepped bearing surface and a leading edge cavity step from a first recessed cavity surface to the at least one raised bearing surface and a cavity step from a second cavity surface to the first recessed cavity surface. Claims 1-2 were

rejected on the basis that Dorius discloses in FIG. 5 at least one raised bearing surface 503 proximate to a trailing edge and at least one stepped bearing surface 511 recessed below the at least one raised bearing surface and a recessed cavity surface 520 recessed below the raised bearing surface 503 and the stepped bearing surface 511 and leading edge cavity step (between element 511 and 503 – not labeled) from the recessed cavity surface to the at least one raised bearing surface. As recited in the claims the leading edge cavity step extends from the recessed cavity surface to the raised bearing surface. As acknowledged in Dorius, surface 520 is the recessed cavity surface not surface 511. Thus the step between element 511 and element 503 is between the stepped bearing surface 511 and the raised bearing surface 503 and not between the recessed cavity surface 520 and the raised bearing surface 503 as claimed. Thus, the Office Action fails to set forth a *prima facie* basis to reject claims 1-2.

Claims 3-4 and claim 10 are dependent upon claim 1 and thus are allowable based upon the allowability of claim 1.

Claim 12 and dependent claim 13 recite *inter alia* at least one raised bearing surface proximate to the trailing edge having a cross portion and opposed side portions elevated above a stepped bearing surface and a cavity channel between the opposed side portions having a recessed cavity surface recessed from the raised bearing surface and the stepped bearing surface, and a leading edge cavity step from the recessed cavity surface to the at least one raised bearing surface. Applicant objects to the rejection of claim 12 in paragraph 7 of the Office Action to the extent that the rejection does not consider each of the claim elements including the cross portion, opposed side portions and the cavity channel. Further as discussed above, Dorius does not disclose a leading edge cavity step from the recessed cavity surface to the at least one raised bearing surface as claimed. In particular, surface 511 is the stepped bearing surface and is not recessed from the raised bearing surface and the stepped bearing surface as claimed. Thus the step between surface 511 and 503 does not teach a leading edge cavity step between the recessed cavity surface and the at least one raised bearing surface as claimed. Based upon the foregoing, withdrawal of the rejection of claims 12-13 in view of Dorius is respectfully requested.

Claims 1, 5, 11-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Albrecht et al. U.S. Patent No. 6,344,949. Claims 1, 5 and 11 are rejected on the basis that FIG. 4 of Albrecht, discloses at least one raised bearing surface 110 proximate to the trailing edge, at least one stepped bearing surface 112 and a recessed cavity surface 102 recessed below the at least one raised bearing surface 110 and stepped bearing surface 112 and at least one leading edge cavity step (not labeled) from the recessed cavity surface to the at least one raised bearing surface. In FIG. 4 of Albrecht there is a step from cavity surface 102 to stepped surface 112 but not from cavity surface 102 to the raised bearing surface 110 as claimed. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 12 and 13, as previously discussed recite *inter alia* a raised bearing surface having a cross portion, opposed side portions and a cavity channel between the opposed side portions. Applicants object to the rejection of claims 12-13 as set forth in paragraph 8 of the Office Action on the basis that the rejection fails to consider each of the claim elements including the cross portion, opposed side portions and cavity channel as claimed. As properly construed, Albrecht does not teach each of the recited claim elements and accordingly withdrawal of the rejection is respectfully requested.

Response to Allowable Subject Matter

Applicants acknowledge that claims 6-7, 8-9 and 14-20 are allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph. As discussed above, claims 1-20 are proper under 35 U.S.C. § 112 and thus allowance of claims 6-7, 8-9 and 14-20 is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 
Deirdre Megley Kvale, Reg. No. 35,612
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

DMK:rev